

the basic rate set forth following their name: Robert L. Hopper, staff director, \$8,835; Stephen P. Strickland, chief clerk, \$6,600; Edward T. Fogo, staff assistant, \$6,600; Harry L. Selden, editor, \$6,600; Russell Saville, staff assistant, \$4,020; Rowena G. Lovette, administrative assistant, \$3,780; Catherine S. Cash, secretary, \$2,940.

The Committee on House Administration is authorized to employ a substitute for any such person not available to serve.

Reserving the right to object, Mr. Clarence J. Brown, of Ohio, pointed out that the Select Committee on Government Research had “died with the 88th Congress at noon on January 4. . . .”⁽¹³⁾ He additionally stated that:⁽¹⁴⁾

. . . What this resolution really does, if adopted, is to permit the Committee on House Administration to spend some, \$16,000 or \$18,000 I believe to conclude the work of mailing

out the final reports of the select committee, itself, to the various universities and colleges of the country, and to the research organizations that are very much interested in it, during January and February, only. Also, I understand that the select committee . . . has turned back to the contingent funds of the House, under the jurisdiction of the Committee on House Administration, some \$250,000, from which these particular funds would be taken to maintain this small staff in order to wrap up, or to conclude, the work of the select committee and to send out the final reports. Is that correct?

Mr. Bolling replying in the affirmative, discussion proceeded briefly, after which the Speaker inquired as to whether there was any objection to the unanimous-consent request. No objection was heard, and the resolution was agreed to.

C. COMMITTEE PROCEDURE

§ 14. Generally

Certain of the rules of the House pertain directly to committee procedure. All committees and subcommittees are expressly subject to House rules as “far as

applicable”; and each committee must adopt written rules “not inconsistent” with the rules of the House which “shall be binding” on each subcommittee thereof. Expressly deemed to be part of its parent committee, each subcommittee is “subject to the

13. For the original resolution creating what was then known as the Select Committee on Research and Development, see § 5.2, *supra*.

14. 111 CONG. REC. 411, 412, 89th Cong. 1st Sess.

authority and direction to that committee.”⁽¹⁵⁾

The initial contact of a standing committee with a public measure or matter within its jurisdiction takes place formally when the Speaker, pursuant to his authority under the rules,⁽¹⁶⁾ refers the particular measure or matter to the committee. Barring an error of reference ⁽¹⁷⁾ resulting in a re-referral, the committee then acquires jurisdiction over the measure.

Standing committees are obliged to adopt written rules establishing fixed meeting dates “not less frequent than monthly” for the transaction of business.⁽¹⁸⁾ Such meetings are “open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be

closed to the public.”⁽¹⁹⁾ While the chairman of the committee may call as many additional meetings “as he considers necessary,”⁽¹⁾ where three members of a standing committee file a written request⁽²⁾ for a special meeting, and the chairman fails to act within prescribed time limits,⁽³⁾ a majority of the committee members may file a written notice in the committee offices that a special meeting will be held.⁽⁴⁾ If the

15. The exception to this rule is that a motion to express from day to day is a motion of high privilege in committees and subcommittees. See Rule XI clauses 1(a), 2(a), *House Rules and Manual* §§ 703(a), 704 (1979).

16. Rule XXII clause 4(a), *House Rules and Manual* § 854 (1979).

17. Rule XXII clause 4(a), *House Rules and Manual* § 854 (1979). See also §§ 27, 28, *infra*, and Ch. 16, *supra*.

18. Rule XI clause 2(b), *House Rules and Manual* § 705 (1979).

19. It should be noted, however, that in addition to committee members, such congressional staff and departmental representatives as the committee chooses to authorize (and only such individuals) may be present at any closed business or markup session. This provision does not apply, though, to open committee hearings or any meeting relating solely to internal budget or personnel matters; see Rule XI clause 2(g)(1), *House Rules and Manual* § 708 (1979).

1. Rule XI clause 2(c)(1), *House Rules and Manual* § 705 (1979).

2. The request, which is addressed to the chairman, must be filed in the committee offices and must specify the measure or matter to be considered. See Rule XI clause 2(c)(2), *House Rules and Manual* § 705 (1979).

3. If the chairman desires to call the special meeting, he must announce it within three calendar days of the filing of the request, and he must schedule the special meeting within seven calendar days of the filing.

4. The notice must specify the date, the hour, and the measure or matter to

chairman is not present at any meeting of the committee, the meeting is chaired by the ranking member of the majority party who is present.⁽⁵⁾ Since 1971, committees have been permitted to sit while the House was in session,⁽⁶⁾ although only certain committees may sit without special leave while the House is reading a measure for amendment under the five-minute rule.⁽⁷⁾ In 1977, the rule was amended to permit committees to sit during any period for which the legislative schedule has been announced by the leadership, unless 10 or more Members object.

Committee procedures regarding records, hearings, and reports are extensively detailed in the rules. A complete record is required of all committee action.⁽⁸⁾ Each committee must make available for public inspection at reasonable times the result of every rollcall vote taken at any committee meeting; this information must include a description of the proposition and the names of all

be considered. Only the matter specified in the notice may be considered.

5. Rule XI clause 2(d), *House Rules and Manual* § 705 (1979).
6. See § 16, *infra*.
7. See Rule XI clause 2(i), *House Rules and Manual* § 710 (1979).
8. Rule XI clause 2(e)(1), *House Rules and Manual* § 706 (1979).

members voting for and against “whether by proxy⁽⁹⁾ or in person,” as well as the names of those present but not voting.⁽¹⁰⁾ Where a committee casts a record vote to report any public bill or resolution, the committee report must contain the total number of votes cast for and against the reporting out of the measure. Testimony from committee hearings, as well as the committee’s records, data, charts, and files must be “kept separate and distinct” from the congressional office records of the chairman of the committee.⁽¹¹⁾ The testimony and data may be printed and bound by the committee, and are regarded as the property of the House—with reasonable access to be made available to all Members.

Committee hearings are governed by many provisions of the House rules. Each committee⁽¹²⁾ must make public announcement of the date, place, and subject

9. Although the House, of course, does not allow the use of proxy votes on the floor, the rules do permit their use in committees subject to certain restrictions. See Rule XI clause 2(f), *House Rules and Manual* § 707 (1979).
10. Rule XI clause 2(e)(1), *House Rules and Manual* § 706 (1979).
11. Rule XI clause 2(e)(2), *House Rules and Manual* § 706 (1979).
12. Except the Committee on Rules.

matter of any hearing it plans to conduct at least one week before the commencement of the hearing unless the committee finds good cause to begin the hearing sooner, in which event the announcement must be made at the earliest possible date.⁽¹³⁾ The announcement is then published in the daily digest portion of the *Congressional Record*. At the commencement of an investigative hearing, the chairman must announce in an opening statement the subject of the investigation.⁽¹⁴⁾

As with committee meetings for the transaction of business, any determination to close a committee hearing to the public must be made in open session, with a majority present, and by roll call vote;⁽¹⁵⁾ however, the reasons for such action are expressly limited to those circumstances (1) in which disclosure of matters to be considered would endanger the national security or violate a law or rule of the House, or (2) where evidence may tend to defame, degrade, or incriminate any person. Each committee is obliged to require, "so far as practicable,"⁽¹⁶⁾

that each prospective witness file a written statement of his proposed testimony in advance and limit his oral presentation to a summary thereof. In the committee's discretion, witnesses may also submit brief, sworn statements in writing for inclusion in the record.⁽¹⁷⁾ They may be accompanied by their own counsel for the purpose of being advised of their constitutional rights.⁽¹⁸⁾

17. Rule XI clause 2(k)(8), *House Rules and Manual* § 712 (1979).

18. Rule XI clause 2(k)(3), *House Rules and Manual* § 712 (1979).

The following paragraph, excerpted from the Committee on Internal Security's "Rules of Committee Procedure" for the 91st Congress, may be helpful in understanding the limited role of counsel as well as the absence of the adversarial process at committee hearings.

"The rules of legislative bodies and their committees differ from those of courts. The procedures of any body must be geared to its purpose. Courts have one purpose, Congressional Committees another. Courts conduct trials to determine guilt or innocence, or to adjudicate rights. Court proceedings are adversary in nature; committee proceedings are not. Committees hold hearings to develop information that will assist in the enactment of legislation. Courtroom procedures are not followed in Congressional hearings or vice versa, because any attempt to apply the rules of one to the other would tend to frustrate the attainment of the

13. Rule XI clause 2(g)(3), *House Rules and Manual* § 708 (1979).

14. Rule XI clause 2(k)(1), *House Rules and Manual* § 712 (1979).

15. Rule XI clause 2(g)(2), *House Rules and Manual* § 708 (1979).

16. Rule XI clause 2(g)(4), *House Rules and Manual* § 708 (1979).

However, the chairman and the committee are empowered by the rules to take specified measures in the event of a breach either of order and decorum or professional ethics on the part of counsel.⁽¹⁹⁾

Witnesses are entitled to a copy of the committee rules, if any, as well as a copy of the clause governing committee hearings.⁽²⁰⁾ They may also obtain transcripts of their public testimony—committee authorization being required for transcripts of their executive session testimony.⁽¹⁾

Every committee may fix a particular number of its members to constitute a quorum for purposes of taking testimony and receiving evidence, but under no circumstances may this number be less than two.⁽²⁾ Where, prior to the completion of a committee hearing, a majority of the minority party members address a re-

different purposes for which they were created. Court procedures governing the reception of evidence and the examination of witnesses are not binding on the Committees of the Congress."

19. Rule XI clause 2(k)(4), *House Rules and Manual* § 712 (1979).

20. Rule XI clause 2(k)(2), *House Rules and Manual* § 712 (1979).

1. Rule XI clause 2(k)(9), *House Rules and Manual* § 712 (1979).

2. Rule XI clause 2(h)(1), *House Rules and Manual* § 709 (1979).

quest to the chairman to call witnesses of their own selection to testify about the subject under consideration, those members are entitled to "at least one day of hearing thereon." Moreover, all committees must provide in their rules of procedure for the application of the five-minute rule in the interrogation of witnesses "until such time as each member of the committee who so desires has had an opportunity to question the witness."⁽³⁾ If it is asserted that evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person, such evidence or testimony shall be presented in executive session if, by a majority of those present (the requisite number required under the committee rules for the purpose of taking testimony being present) the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person. However, the committee shall proceed to receive such testimony in open session only if a majority of the members, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

3. Rule XI clauses 2(j)(1) and 2(j)(2), *House Rules and Manual* § 711 (1979).

In either case, the committee shall afford such person an opportunity to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.⁽⁴⁾ The committee chairman normally receives all requests to subpoena additional witnesses,⁽⁵⁾ and requests under this provision are disposed of by the committee. No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.⁽⁶⁾

If a committee member intends to raise a point of order on the ground that the hearings on a measure were in violation of the committee hearing provisions of the rules,⁽⁷⁾ such a point of order will not ultimately lie at the time the committee reports the measure unless the point of order was timely raised in the committee and improperly overruled or not, properly considered.

The House has adopted a number of provisions in the rules pertaining to the conduct of media coverage of committee hearings

open to the public. The intent of the rules is to provide “for the education, enlightenment, and information of the general public on the basis of accurate and impartial news coverage.”⁽⁸⁾ It is also the rules’ intent that radio and television tapes and television film not be used, or made available for use, as partisan political campaign material either to promote or to oppose the candidacy of any person for elective public office.⁽⁹⁾ Moreover, the conduct of all individuals including committee members, staff, government officials and personnel, witnesses, members of the press, and the general public must be in “strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House.”⁽¹⁰⁾ The rules specify that individuals’ behavior must not be such as to “distort the objects and purposes of the hearings” or to “cast discredit or dishonor on the House, the committee, or any Member.” Media coverage of committee hearings, the rules additionally point out, is

4. Rule XI clause 2(k)(5), *House Rules and Manual* § 712 (1979).

5. Rule XI clause 2(k)(6), *House Rules and Manual* § 712 (1979).

6. Rule XI clause 2(k)(7), *House Rules and Manual* § 712 (1979).

7. Rule XI clause 2(g)(5), *House Rules and Manual* § 708 (1979).

8. Rule XI clause 3(a)(1), *House Rules and Manual* § 720 (1979).

9. Rule XI clause 3(b), *House Rules and Manual* § 720 (1979).

10. Rule XI clause 3(c) *House Rules and Manual* § 721 (1979).

“a privilege made available by the House”⁽¹¹⁾ and is permissible only if undertaken in “strict conformity” with the requirements laid down by the House.

In addition to the general requirements described above, the rules mandate highly specific directions to be followed by the media in covering a hearing. While any committee conducting a hearing open to the public may decide by majority vote to allow such media coverage as the committee chooses,⁽¹²⁾ the committee must have adopted written rules pertaining thereto. Such rules must contain provisions prohibiting the following:⁽¹³⁾ (1) any commercial sponsorship where the hearings are presented as live television or radio coverage; (2) the photographing, televising, or broadcasting of subpoenaed witnesses against their will; (3) the use of more than four television cameras (each of which must occupy a fixed position); (4) the obstruction in any way by television cameras of the space between any witness and any member of the committee; (5) the placement of

television cameras which unnecessarily obstruct coverage by other media; (6) the installation or removal of television or radio equipment while the committee is in session; (7) the use of floodlights, spotlights, strobelights, or flashguns in providing coverage;⁽¹⁴⁾ (8) the presence of more than five still photographers from the press; (9) the intrusion, at any time, by photographers of the space between the witness table and the members of the committee; (10) the unnecessary obstruction by photographers of coverage by other media; (11) any coverage by television or radio personnel not then currently accredited to the Radio and Television Correspondents' Galleries; (12) any coverage by still photographers not then accredited to the Press Photographers' Gallery; and (13) any coverage by television, radio, or still photography personnel which fails to be orderly and unobtrusive.

Parliamentarian's Note: While the rule does not specifically address electronic taping of open meetings and hearings by persons not accredited to the Correspond-

11. Rule XI clause 3(d), *House Rules and Manual* §721 (1979).

12. Rule XI clause 3(e), *House Rules and Manual* §722 (1979).

13. Rule XI clauses 3(f) (1)–(13), *House Rules and Manual* §§723–725 (1979).

14. Though the television media may raise the ambient lighting level to “the lowest level necessary” to provide adequate coverage; Rule XI clause 3(f)(7), *House Rules and Manual* §723 (1979).

ents' Gallery, such taping is not permitted except by express permission of the committee.

No measure or recommendation may be reported from any committee unless a majority of the committee were actually present.⁽¹⁵⁾ Committee members may use proxy votes, however, providing that their committee has adopted a written rule permitting proxies which requires each such authorization to be in writing asserting that the Member is absent on official business or is otherwise unable to attend the meeting and designating the person who may cast the vote, and limiting the exercise of the proxy to a specific measure or matter and any amendments or motions pertaining thereto.⁽¹⁶⁾ Any bill or resolution reported by a committee must be accompanied by a written report which shall be printed.⁽¹⁷⁾

Each committee chairman is under an affirmative duty to report or cause to be reported promptly to the House any measure approved by his committee;

15. Rule XI clause 2(l) (2)(A), *House Rules and Manual* §713(c) (1979). See also §23, *infra*.

16. Rule XI clause 2(f), *House Rules and Manual* §707 (1979).

17. Rule XVIII clause 2, *House Rules and Manual* §821 (1979).

this duty extends to taking "the necessary steps to bring the matter to a vote."⁽¹⁸⁾ However, the report of any committee⁽¹⁹⁾ "shall be filed within seven calendar days [emphasis added]"⁽²⁰⁾ after the day on which the committee clerk has received a written request signed by a majority of committee members calling for the reporting of that measure.

If any committee member, at the time a measure or matter is approved by the committee,⁽¹⁾

18. Rule XI clause 2(l) (1)(A), *House Rules and Manual* §713(a) (1979).

19. This provision does not apply to the Committee on Rules; Rule XI clause 2(l)(1)(B), *House Rules and Manual* §713(a) (1979). Nor does this provision apply to the Committee on Appropriations prior to compliance with Rule XI clause 2(l)(1)(C), requiring complete subcommittee markup and full committee action on all regular appropriation bills for that year and submission to the House of a summary report comparing the committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

20. This time period is "exclusive of days on which the House is not in session;" Rule XI clause 2(l)(1)(B), *House Rules and Manual* §713(a) (1979).

1. Rule XI clause 2(l)(5), *House Rules and Manual* §714 (1979). This provi-

gives notice of his intent to file any additional views, he has at least three calendar days⁽²⁾ in which to file such views, in writing and signed, with the committee clerk. All of such views filed by one or more committee members must comprise an actual part of the committee report on the measure. Moreover, the report must be printed in a single volume which, in addition to containing all timely submitted additional views, must also "bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report." None of these requirements, however, precludes the immediate filing or printing of a committee report where no timely request is made to file additional views or where the committees filing of a supplemental report is required for the correction of any technical error in the previous report.

Except for those reports which are privileged under the rules⁽³⁾ all committee reports together with the views of the minority must be delivered to the Clerk for

sion does not apply to the Committee on Rules.

2. This time period excludes Saturdays, Sundays, and legal holidays.
3. See Rule XI clause 4(a), *House Rules and Manual* § 726 (1979).

printing and reference to the proper calendar under the direction of the Speaker.⁽⁴⁾ Should a bill be adversely reported it is laid on the table unless the committee reporting the bill at the time or any Member within three days thereafter requests its reference to the calendar.⁽⁵⁾

Where a measure would repeal or amend any statute or part thereof, the committee must include in its accompanying report: (a) the relevant portion of the statute which is proposed to be repealed; and (b) a comparative print of that portion of the measure making the amendment and of that part of the statute proposed to be amended using typographical devices to indicate the omissions and insertions that are proposed.⁽⁶⁾ Additionally the report accompanying each bill or joint resolution of a public char-

4. Rule XIII clause 2, *House Rules and Manual* § 743 (1979).

5. Rule XIII clause 2, *House Rules and Manual* § 744 (1979).

6. If the committee reports a bill or joint resolution with amendments or an amendment in the nature of a substitute for the entire bill, the report must include a comparative print showing any changes in existing law, proposed by the amendments or substitute instead of as in the bill as introduced; see Rule XIII clause 3, *House Rules and Manual* § 745 (1979).

acter reported by any committee (with specified exceptions) must contain:⁽⁷⁾ (a) in the case of measures affecting the revenues, a committee estimate of the gain or loss in revenues for a one-year period; (b) in all other cases, a committee estimate of the prospective cost of carrying out a measure in the fiscal year it is reported and in each of the five fiscal years following that fiscal year;⁽⁸⁾ and (c) a comparison of the committee estimate with any estimate made by any government agency and submitted to the committee.⁽⁹⁾ If these estimate requirements are not within the report of the committee reporting such a measure, the measure's consideration "shall

not be in order."⁽¹⁰⁾ The Committee Reform Amendments imposed, effective Jan. 3, 1975, some additional requirements on the contents of reports (see §58, *infra*).

Prior to House consideration of a measure or matter reported by a committee, there are certain other procedural steps which must be undertaken. With certain exceptions, no measure or matter reported by any committee may be considered in the House⁽¹¹⁾ until the third calendar day⁽¹²⁾ after the particular committee report has been made available to House Members. In addition, if the committee held hearings on the matter, it must take "every reasonable effort to have such hearings printed and available for distribution to the Members" prior to

7. Rule XIII clause 7, *House Rules and Manual* §748b (1979). This provision does not apply to the Committee on Appropriations, the Committee on House Administration, the Committee on Rules, and the Committee on Standards of Official Conduct.

8. If the program does not extend to five years, then the estimate need only cover the authorized duration period.

9. The rule defines a government agency as including "any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia." See Rule XIII clause 7(c), *House Rules and Manual* §748b (1979).

10. Rule XIII clause 7(1), *House Rules and Manual* §748b (1979).

11. Rule XI clause 2(l)(6), *House Rules and Manual* §715 (1979). Under Rule XXI clause 7, *House Rules and Manual* §848 (1979) no general appropriation bill may be considered in the House until printed committee hearings and a committee report thereon have been available for the Members of the House for at least three calendar days (excluding Saturdays, Sundays, and legal holidays).

12. Excluding Saturdays, Sundays, and legal holidays; Rule XI clause 2(1)(6), *House Rules and Manual* §715 (1979).

House consideration of the matter.⁽¹³⁾ If, within seven calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, the Speaker may, in his discretion, recognize any member of the committee which reported that measure to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.⁽¹⁴⁾

House rules setting forth the order of business⁽¹⁵⁾ provide for a "morning hour for the consideration of bills called up by committees."⁽¹⁶⁾ After unfinished business is disposed of and in the absence of any privileged interruptions,⁽¹⁷⁾ the Speaker is directed

by the rules⁽¹⁸⁾ to "call each standing committee in regular order, and then select committees." Each committee when named may call up for consideration any bill reported by it on a previous day and on the House Calendar. If the call of the committees is not completed before the House passes to other business, the Speaker resumes the next call where he left off, giving preference to the last bill under consideration. However, if any committee has occupied the morning hour for two days, it is not in order to call up any other bill until the other committees have been called in their turn.

The "morning hour" provisions are but one method (and one infrequently utilized) through which committees call up for consideration the measures they have reported. There are several other procedures for bringing reported bills before the House which bypass the regular order of business. These include (1) consideration pursuant to a unanimous-consent request; (2) the offering of a motion by direction of the Committee on Appropriations that the House resolve itself into the Committee

13. Exceptions to this include any measure for the declaration of war or the declaration of a national emergency and any executive action which would become or remain effective unless disapproved by one or both Houses of Congress; Rule XI clause 2(1)(6), *House Rules and Manual* §715 (1979).

14. Rule XI clause 2(l) *House Rules and Manual* §717 (1979).

15. For more extensive coverage of this subject, see Ch. 21, *infra*.

16. Rule XXIV clause 1, *House Rules and Manual* §878 (1979).

17. There are many privileged matters which may interrupt the order of

business. See *House Rules and Manual* §880 (1979).

18. Rule XXIV clause 4, *House Rules and Manual* §889 (1979).

of the Whole for the consideration of a general appropriation bill;⁽¹⁾ (3) the calling up of a conference report;⁽²⁾ (4) the reporting of a special order by the Committee on Rules for the immediate consideration of a measure by the House;⁽³⁾ (5) the consideration of privileged bills reported under the right to report at any time;⁽⁴⁾ (6) the call of committees on [Calendar] Wednesdays for the consideration of bills on the House and Union Calendars;⁽⁵⁾ (7) the consideration of measures on the Private Calendar on the first and third Tuesdays of each month;⁽⁶⁾ (8) the

offering of motions to discharge committees from public bills and resolutions on the second and fourth Mondays of each month;⁽⁷⁾ (9) the consideration of measures reported by the Committee on the District of Columbia on the second and fourth Mondays of each month;⁽⁸⁾ (10) the consideration of bills on the Consent Calendar on the first and third Mondays of each month;⁽⁹⁾ (11) the making of a motion to suspend the rules and pass bills on the first and third Mondays of each month and on the Tuesdays immediately following those days;⁽¹⁰⁾ and (12) the consideration of bills coming over from a previous day with the previous question ordered.⁽¹¹⁾

The selection, duties, remuneration, and status of committees' professional staff members are

1. See Rule XVI clause 9, *House Rules and Manual* § 802 (1979), and Rule X clause 1 (b)(1), *House Rules and Manual* § 671(a) (1979). Rule XI clause 4(a), *House Rules and Manual* § 726 (1979) (H. Res. 988, 93d Cong. 2d Sess.) removed the privileged status of reports on bills raising revenue reported from the Committee on Ways and Means. Rule XVI clause 9 does not bestow privilege on revenue bills, but merely relates to their place in the order of business when otherwise in order.
2. See Rule XXVIII clause 1(a), *House Rules and Manual* § 909 (1979).
3. See Rule XI clause 4(a), *House Rules and Manual* § 726 (1979).
4. See Rule XI clause 4(a), *House Rules and Manual* § 726 (1979).
5. See Rule XXIV clause 7, *House Rules and Manual* § 897 (1979).
6. See Rule XXIV clause 6, *House Rules and Manual* § 893 (1979).

7. See Rule XXVII clause 4, *House Rules and Manual* § 908 (1979); see also Ch. 18, *infra*.
8. See Rule XXIV clause 8, *House Rules and Manual* § 899 (1979).
9. See Rule XIII clause 4, *House Rules and Manual* § 746 (1979).
10. In the 95th Congress, the rule was amended to permit the Speaker to recognize for such motions on every Monday and Tuesday (H. Res. 5, Jan. 4, 1977). See Rule XXVII clause 1, *House Rules and Manual* § 902 (1979).
11. See note to Rule XXIV clause 3, *House Rules and Manual* § 887 (1979).

also subject to certain procedural requirements specified in the rules.

With the exceptions of the Committee on Appropriations and the Committee on the Budget, all standing committees are granted authorization for the payment of their expenses, other than those expenses to be paid from appropriations provided by statute, through the means of primary expense resolutions and, if necessary, additional expense resolutions during the year.⁽¹²⁾ This information is discussed at length in the immediately preceding section. The primary expense resolution is intended to provide funds from the contingent fund of the House to pay committee expenses for the particular year. No primary expense resolution may be considered unless a printed report from the Committee on House Ad-

ministration on the measure has been available to the Members for at least one calendar day prior to its consideration in the House. The report must state the total amount of funds sought for all anticipated activities and programs of the committee as well as a breakdown, to the extent practicable, of the foreseeable expenditures for the anticipated activities and programs of the committee.⁽¹³⁾ If the primary expense resolution has been adopted by the House, and thereafter the committee needs additional funds for expenses, such funding may be procured by one or more additional expense resolutions.⁽¹⁴⁾ An additional expense resolution may not be considered unless a report on the resolution has been available to Members for at least one calendar day prior to its consideration in the House. The report must state the total amount of additional funds sought by the committee, the purpose or purposes for which additional funding is necessary, and the reason or reasons for failure to procure the additional funds through the primary resolution.⁽¹⁵⁾

12. Rule XI clause 5, *House Rules and Manual* §732(a) (1979). Excluded from the provisions of the rule are certain resolutions relating to the payment of a committee's expenses prior to adoption of the committee's primary expense resolution; and any resolution providing, in any Congress, for payment of specified additional expenses for all standing committees of the House, "subject to and until enactment of the provisions of the resolution as permanent law." Rule XI clause 5(c), *House Rules and Manual* §732(c)(1979).

13. Rule XI clauses 5(a) (1) and (2), *House Rules and Manual* §732(b) (1979).

14. Rule XI clause 5(b), *House Rules and Manual* §732(c) (1979).

15. Prior to the 94th Congress, both primary expense resolutions and addi-

The rules⁽¹⁶⁾ provide that each standing committee⁽¹⁷⁾ “shall review and study, on a continuing basis, the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee.”⁽¹⁸⁾

In the course of consideration of all bills and joint resolutions of a public character within its jurisdiction, each committee must “endeavor to insure” that all continuing programs of the federal government (and of the government of the District of Columbia) within its jurisdiction, are designed, and all continuing activities of government agencies, within the committee’s jurisdiction, are carried on “so that, to the ex-

tent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.”⁽¹⁹⁾ Moreover, each standing committee is obliged to review “from time to time” all continuing programs within its jurisdiction for which appropriations are not made annually in order to ascertain whether such programs could be modified so that appropriations therefor would be made annually.⁽²⁰⁾ The Committee Reform Amendments of 1974 imposed, effective Jan. 3, 1975, new general and specific oversight activities on committees.¹

The House rules provide that each committee clerk must, within three days of the final adjournment of a Congress, deliver to the Clerk of the House “all bills, joint resolutions, petitions, and other papers referred to the committee, together with all evidence” taken by the committee pursuant to House authorization during the Congress and not reported to the House. Moreover, if for any reason any committee clerk fails to com-

tional expense resolutions must have granted certain considerations in the appointment of committee staff personnel to the minority party members on a committee. See note to Rule XI clause 5, *House Rules and Manual* § 732(e) (1979).

16. Rule X clause 2, *House Rules and Manual* § 692(a) (1979).

17. With the exception of the Committees on Appropriations and the Budget; Rule X clause 2(b)(1), *House Rules and Manual* § 692(a) (1979).

18. See Rule X clause 2, *House Rules and Manual* §§ 692(a), 692(b) (1979). For the practice regarding general oversight responsibilities prior to the 94th Congress, see the note to Rule X clause 2.

19. Rule X clause 4(f)(1), *House Rules and Manual* § 699(a) (1979) .

20. Rule X clause 4(f)(2), *House Rules and Manual* § 699(a) (1979).

1. See Rule X clauses 2, 3, and 4, added by H. Res. 988, 93d Cong. 2d Sess., *House Rules and Manual* §§ 692(a)–699(c) (1979).

ply with this rule, the Clerk of the House is obliged, within three days thereafter, to "take into his keeping all such papers and testimony." The rules further provide that at the close of each Congress, the Clerk of the House must obtain all noncurrent records of each committee (and of the House) and transfer them to the General Services Administration "for preservation subject to the order of the House."⁽²⁾

Collateral Reference

Leading Cases on Congressional Investigatory Power, compiled by the Joint Committee on Congressional Operations, Committee Print, 94th Cong. 2d Sess., Jan. 1976.

Five-minute Rule for Interrogation of Witnesses

§ 14.1 The 92d Congress added a new provision to the rules requiring committees to apply the five-minute rule during interrogation of witnesses until each member has had the opportunity to question each witness.

On Jan. 21, 1971,⁽³⁾ the House entertained consideration of a res-

2. Rule XXXVI clauses 1 and 2, *House Rules and Manual* §932 (1979).

3. 117 CONG. REC. 14, 92d Cong. 1st Sess.

olution (H. Res. 5) which provided, in part:

That the Rules of the House of Representatives of the Ninety-first Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, and the Legislative Reorganization Act of 1970, be, and they are hereby adopted as the Rules of the House of Representatives of the Ninety-second Congress, with the following amendments as part thereof. . . .

Among the amendments referred to therein was the following:

In clause 27(f)(4) of Rule XI,⁽⁴⁾ insert the following new sentence at the end thereof:

"All committees shall provide in their rules of procedure for the application of the 5 minute rule in the interrogation of witnesses until such time as each member of the committee who so desires has had an opportunity to question the witness."

Further consideration of the proposal having been put over

4. This clause then read [Rule XI clause 27(f)(4), *House Rules and Manual* §735(f)(4) (1971)] as follows:

"(4) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority party members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon."

until the next day, the resolution (H. Res. 5) was adopted on Jan. 22, 1971,⁽⁵⁾ and the rule was amended, accordingly.

Increasing Witnesses' Compensation

§ 14.2 In the 91st Congress, the rules of the House were amended to increase the fee of witnesses subpoenaed by its committees from \$9 to \$20 per day, and their travel expenses from 7 cents per mile to 12 cents per mile.

On Aug. 12, 1969,⁽⁶⁾ by direction of the Committee on Rules, Mr. Spark M. Matsunaga, of Hawaii, called up a resolution (H. Res. 495), and asked for its immediate consideration.

The Clerk then read the resolution, as follows:

Resolved, That rule XXXV of the Rules of the House of Representatives is amended to read as follows:

“RULE XXXV.

“PAY OF WITNESSES.

“The rule for paying witnesses subpoenaed to appear before the House or any of its committees shall be as follows: For each day a witness shall attend, the sum of twenty dollars; and

actual expenses of travel in coming to or going from the place of examination, not to exceed twelve cents per mile; but nothing shall be paid for travel when the witness has been summoned at the place of examination.”

In the ensuing discussion, Mr. Richard H. Ichord, of Missouri, pointed out that the then-prevailing rule⁽⁷⁾ was “woefully inadequate”⁽⁸⁾ inasmuch as subpoenaed witnesses were only allotted \$9 per day for each day of attendance and 7 cents per mile for the distance they were obliged to travel. He noted additionally that:

. . . A night's lodging in Washington in even modest accommodations cannot conceivably be secured for anything in the vicinity of \$9; and this would leave the matter of meals, taxis, and so forth, still unaccounted for. The rate of 7 cents per mile is inadequate for the payment of air fare, except for travel from the Far West.

7. Rule XXXV had read [H. Jour. 1324 90th Cong. 2d Sess. (1968)] as follows:

“The rule for paying witnesses subpoenaed to appear before the House or either of its committees shall be as follows: For each day a witness shall attend, the sum of nine dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of seven cents each way; but nothing shall be paid for traveling when the witness has been summoned at the place of trial.”

8. 115 CONG. REC. 23355, 91st Cong. 1st Sess.

5. 117 CONG. REC. 144, 92d Cong. 1st Sess.

6. 115 CONG. REC. 23354, 23355, 91st Cong. 1st Sess.

The resolution was agreed to shortly thereafter.⁽⁹⁾

§ 15. Adoption of Committee Rules

Committees have historically adopted rules under which they function.

The requirement that standing committees adopt written rules⁽¹⁰⁾ was first incorporated into the rules on Jan. 22, 1971 (H. Res. 5, 92d Cong. 1st Sess.), having been included in the Legislative Reorganization Act of 1970 (84 Stat. 1140). Effective Jan. 3, 1975, committee rules were required to be adopted in an open meeting, to incorporate the provisions of the House rules on committee procedures, and to be published in the *Congressional Record*.⁽¹¹⁾

9. *Id.* at p. 23356.

In the 94th Congress, the House amended Rule XXXV by removing the \$20 per diem and 12 cents per mile limits on pay for subpoenaed House and committee witnesses and setting the amount at the same rate fixed by the Committee on House Administration for Members' and employees' travel, to be paid to all witnesses whether or not subpoenaed. See *Deschler's Procedure*, Ch. 17 § 11.4 (95th Cong.).

10. Rule XI clause 2(a), *House Rules and Manual* § 704 (1979).

11. A federal court has interpreted that provision of the Legislative Reorga-

Rules Consistent With House Rules

§ 15.1 In the 92d Congress, the rules were amended to make mandatory the requirement that committees adopt written rules not inconsistent with the rules of the House.

On Jan. 21, 1971,⁽¹²⁾ Mr. William M. Colmer, of Mississippi, offered a resolution (H. Res. 5), and asked for its immediate consideration. The Clerk then read the resolution, as follows:

Resolved, That the Rules of the House of Representatives of the Ninety-first Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, and the Legislative Reorganization Act of 1970, be, and they are hereby adopted as the Rules of the House of Representatives of the Ninety-second Congress, with the following amendments as part thereof, to wit: . . .

nization Act requiring the printing of the Senate (but not House) committee rules in the *Congressional Record* to be mandatory, and held that a Senate committee meeting of one Senator was not a "competent" tribunal to support a perjury conviction, where the committee rule allowing one Senator to take testimony had not been printed in the Record. [*U.S. v Reinecke*, 524 F2d 435 (1975).]

12. 117 CONG. REC. 14, 92d Cong. 1st Sess.